

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

HAZEL M. ROBY, as Administratrix of)
the Estate of RONALD TYRONE)
ROBY, Deceased,)
)
Plaintiff,)
)
v.)
)
BENTON EXPRESS, INC., et al,)
)
Defendants.)
)

CIVIL ACTION NO.: 2:05CV494-T

WITHDRAWAL OF MOTION TO COMPEL

COMES NOW the Defendant, Benton Express, Inc., and hereby withdraws its Motion to Compel that was filed with the Court on September 8, 2005. Defendant has now received the Plaintiff's responses to the discovery requests that were the subject of the Motion. Though the Motion to Compel is withdrawn, Defendant reserves the right to file a motion at a later date regarding the sufficiency of the Plaintiff's responses to said discovery requests.

Respectfully submitted,

s/ Gregory A. Brockwell
BRETT A. ROSS (ASB-6771-O76B)
GREGORY A. BROCKWELL (ASB-9949-R49B)

Attorneys for Defendant Benton Express, Inc.

OF COUNSEL:

CARR, ALLISON, PUGH, HOWARD,
OLIVER, & SISSON, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, AL 35216
(205) 822-2006
(205) 822-4058 (Direct Facsimile)
E-mail: bar@carrallison.com
gab@carrallison.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 14th day of September, 2005:

Jere L. Beasley
Labarron N. Boone
Julia A. Beasley
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
218 Commerce Street
P.O. Box 4160
Montgomery, AL 36103-4160

s/ Gregory A. Brockwell
Of Counsel